



10032260 .020602

Pocket No: ADA.001CIP1
EXPRESS MAIL NO.: ET884868174US

RESPONSE TO NOTICE OF MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola *et al.*
Application No.: TBA
Filed: 20 December 2001
Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND GENES MODULATED BY TRANSCRIPTION FACTORS"

TRANSMITTAL FORM

Honorable Commissioner of Patent and Trademarks
Washington D.C. 20231

Dear Sir:

Transmitted herewith for filing is the provisional patent application entitled "Isolation and Identification of Control Sequences and Genes by Transcription Factors" from Inventor Daniel Mercola *et al.* Enclosed are:


- X Response to Notice of Missing Parts, 2 pages
- X Substitute Sheet of formal drawings for Figure 1, 1 pages
- X A Declaration, 2 pages
- X A verified statement to establish small entity status under 37 C.F.R §1.9 and 37 C.F.R §1.27, 2 pages
- ☐ The additional claims fee has been calculated as shown below.
- X Certificate of Mailing by "Express Mail", 1 page
- X Sequence Listing, 16 Pages
- X Copy of Express mail filing receipt EF103096354US, 1 page
- X Copy of Notice of Missing Parts, 2 pages
- X A return post card

For	No. Filed	No. Extra	Rate	Fee
Claims	0	0	11x \$9.00 =	\$ 0.00
Independent Claims	0	0	3x \$42.00 =	\$ 0.00
Multiple Dependent Claims	0	0	0x \$140.00 =	\$ 0.00
Filing Missing Parts Fee			\$65.00	\$65.00
TOTAL FEE:				\$65.00

- ☐ Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.

- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____.
- ☐ Any additional filing fees required under 37 C.F.R §1.16
- ☐ Any patent application processing fees under 37 C.F.R §1.17
- X A check for the filing fee in the amount of sixty-five dollars (\$65.00) is enclosed, Check No. 1078

Respectfully submitted,



David B. Waller
Agent No.: 43,978

Please send all correspondence to:

David B. Waller
5677 Oberlin Drive, Suite 214
San Diego, CA 92121
Phone: (858) 457-2014
Facsimile: (858) 457-2308
E-mail: dwaller@cnmnetwork.com



02/08/02 10:22:50 020601E CAY
Bucket No.: ADA.001CIP1
Express Mail No.: ET884868174US

RESPONSE TO NOTICE OF MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola *et al.*
Application No.: 10/032,260
Filed: 20 December 2001
Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND
GENES MODULATED BY TRANSCRIPTION FACTORS"

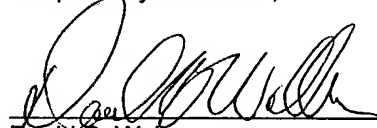
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Dear Sir:

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No.: ET884868174US, on 6 February 2002, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,



David B. Waller
Patent Agent No.: 43,978

Enclosures:

Response to Notice of Missing Parts, 2Pages
Declaration, 2 Pages
Verified Statement of Small Entity Status, 2 Pages
Sequence Listing 16 Pages and file copy on Disc plus duplicate
Corrected Figure 1
Notice of Missing Part, 2 pages
Copy of Express Mailing receipt and USPS receipt, 1 page
Return Postcard
Check in the amount of \$65.00 Check No.: 1078
Transmittal, 2 pages plus duplicate



10032260.020602

Docket No.: ADA.001.CIP
Express Mail No.: ET884868174US

RESPONSE TO NOTICE OF MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola *et al.*
Application No.: 10/032,260
Filed: 20 December 2001
Art Unit: 1642

Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES
AND GENES MODULATED BY TRANSCRIPTION FACTORS"

APPLICANTS' RESPONSE TO NOTICE OF MISSING PARTS
37 C.F.R. § 1.53

Honorable Director of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

The following is Applicants' response to the Notice of Missing Parts dated January 28, 2002 in the CIP application listed above.

Applicant had previously filed the now requested missing parts on 22 January 2002 (Express Mail No.: EF103096354US). This mailing included an original Declaration (2 Pages), an original Verified Statement of Small Entity Status (2 Pages), a sequence listing (16 Pages), a file copy of the sequence listing on disc plus a duplicate disc and a Certificate of Express Mailing No. ET103096354US (1 Page). A copy of the Express Mailing receipt and the United States Postal Service receipt for this submission is enclosed. It is Applicant's understanding that because these documents did not contain the serial number 10/032,260 that they were not filed in Applicant's application. Consequently, these documents are now being submitted again under the Notice of Missing Parts with this serial number.

The Notice of Missing parts requests that Applicant submit a "properly signed declaration in compliance with 37 C.F.R. C1.63. Applicant has enclosed a copy of the original declaration forwarded to the USPTO on January 22, 2002. Applicant has also included a Verified Statement of Small Entity Status for the record.

The Notice of Missing Parts further requests that Applicant provide "substitute drawings in

Docket No.: ADA.001.CIP
Express Mail No.: ET884868174US

compliance with 37 C.F.R. §1.84". Applicant has reviewed the drawings and has found that only "Figure 1" lacks compliance. Applicant has enclosed a substitute drawing for Figure 1 in compliance with 37 C.F.R. §1.84. The substitute drawing is a copy of the original that has been shifted vertically to meet compliance with 37 C.F.R. §1.84 and consequently does not contain new matter.

The Notice of Missing Parts further requests that Applicant provide a "statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing". Applicant confirms that the content of the sequence listing information recorded in computer readable form enclosed herewith is identical to the written sequence listing in the application. Applicant has also enclosed a paper copy of the sequence listing for the record.

Finally, the Notice of Missing Parts requests that Applicant provide a "sequence listing in computer readable form" as required under 37 C.F.R. §1.821(e). Applicant has enclosed a disc containing the sequence listing in computer readable form and a duplicate disc. Further Applicant has placed the statement "The contents of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing" on the label affixed to the discs.

A copy of the Notice of Missing Parts, a check for \$65.00 (Check No.: 1078) and a transmittal form and copy are also enclosed.

Respectfully submitted,

Date:

6 February 2002



David B. Waller
Registration No. 43,978

David B. Waller & Associates
5677 Oberlin Drive, Suite 214
San Diego, CA 92121

Telephone: (858) 457-2014
Facsimile: (858) 457-2308
E-mail: dwaller@cnmnetwork.com